

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34 Amended Offense Level: 34

Criminal History Category: VI

Previous Guideline Range: 346* to 411* months Amended Guideline Range: 346* to 411* months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): No reduction recommended as there is no change in the guideline calculations due to the defendant's status as a Career Offender.

III. ADDITIONAL COMMENTS

*This range includes an 84 month consecutive term of imprisonment the defendant was convicted of for a violation of 18 U.S.C. § 924(c).

Except as provided above, all provisions of the judgment dated 3/19/2004 shall remain in effect.

IT IS SO ORDERED

Order Date: July 27, 2009

Effective Date: _____
(if different from order date)

Lacy H. Thornburg
United States District Judge